

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No. 265 of 1998

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

KALYANJI VELJI BHADRA

Versus

STATE OF GUJARAT

Appearance:

MR JA ADESHRA for Petitioner
MR SR DIVETIA APP for Respondent No. 1
MR SH MOMIN for Respondent No. 2, 7, 8
MR VIVEK BAROT for Respondent No. 6

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 05/08/98

ORAL JUDGEMENT

This petition has been preferred by the complainant - one Kalyanji Velji Bhadra, who is present in the Court today, for permission to compound the offence in respect of which criminal case No. 1548 of

1992 is pending trial in the Court of learned Chief Judicial Magistrate, Bhuj.

It appears that the complainant-petitioner had entrusted rice worth Rs. 8,08,101/- to the accused persons for being exported out of the country. It is the allegation that instead of exporting the said rice out of the country, the accused persons misappropriated the same. The complainant, therefore, lodged a complaint against the accused persons for commission of offence punishable under Sections 409, 465, 471 and 114 IPC. The complaint was lodged on 14th March, 1987. In view of the passage of time, the petitioner desires to compound the offence. He states that the dispute has been amicably settled between the complainant and the accused and the complaint be quashed.

In view of the peculiar facts of the case and the passage of time, it would be desirable that the petitioner is permitted to compound the offence. Permission is, therefore, granted. Since the petitioner has received the amount according to the terms of the settlement, the complaint lodged by the petitioner on 14th March, 1987 is quashed. The Criminal case No. 1548 of 1992, pending against the accused persons viz., Respondent Nos. 2 to 8 is dismissed.

Mr. Momin and Mr. Barot appearing for the respondents-accused state that they have no objection if the muddamal is handed over to the petitioner-complainant. It is, therefore, directed that muddamal be handed over to the petitioner-complainant.

Petition is allowed accordingly. Rule is made absolute. There shall be no order as to costs.

Prakash*